

1 BOARD BILL NO. 81 INTRODUCED BY CRAIG N. SCHMID

2  
3 An ordinance repealing Ordinance 50038 and enacting a new ordinance pertaining to prohibiting installing,  
4 possessing or operating in any motor vehicle in the City of St. Louis any device for the producing or reproducing of  
5 sound at any time with louder volume than is necessary for convenient, normal hearing for the persons who are in  
6 the vehicle in which the device is being operated and who are voluntary listeners: further prohibiting the operating of  
7 any device for the producing or reproducing of sound at any time with louder volume than is necessary for  
8 convenient, normal hearing for the persons who are in the room in which the device is being operated and who are  
9 voluntary listeners; containing penalty provisions, including fines; seizure and impoundment of vehicles for  
10 evidence; and containing an emergency clause.

11 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

12 SECTION ONE: No person shall play, use, operate or permit to be played, used or operated, any radio, tape  
13 recorder, loud speaker, sound amplifier, cassette or compact disc player, or other sound system or device for  
14 producing or reproducing sound at any time with louder volume than is necessary for convenient, normal hearing of  
15 the person or persons who are in the motor vehicle in which the machine or device is being used or operated and  
16 who are voluntary listeners. Nor shall any person install, possess, or operate in any motor vehicle in the City of St.  
17 Louis any radio, tape recorder, loud speaker, sound amplifier, cassette or compact disc player, or other sound system  
18 or device in which:

19there is any speaker, which is external to the passenger compartment; a speaker contained in an  
20opened hatchback vehicle shall be considered "external" for purposes of this section.; or

212. there is any speaker which is directed toward the outside of the vehicle, rather than toward the  
22 passenger compartment; or

233. there is any speaker over 12 inches in diameter.; or

244. there is more than one speaker 10 inches or more in diameter; or

25 5. there are more than 10 speakers; or

26 6. there are more than 2 amplifiers; or

277. there is an amplifier with more than 300 watts of output; or

288. there is a separate box in the vehicle that is not installed as part of the compartment of the vehicle and which is used

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solely for the speaker, sound amplifier, or other sound system or device.

2B. This section shall not apply to any person who is participating in a parade or public assembly for which a proper permit has been obtained from the City of St. Louis, so long as the person is not exceeding the authority set forth in the permit.

SECTION TWO: No person at any time shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, phonograph, loud speaker, sound amplifier, cassette or compact disc player, or other sound system or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, comfort or repose of neighboring inhabitants, businesses or visitors. Nor shall any person play, use, operate or permit to be played, used or operated, any radio, tape recorder, phonograph, loud speaker, sound amplifier, cassette or compact disc player, or other sound system or device for producing or reproducing sound at any time with louder volume than is necessary for convenient, normal hearing of the person or persons who are in the room in which the machine or device is being used or operated and who are voluntary listeners.

A. No person shall at any time play, use, operate, or permit to be played, used or operated, any radio, tape recorder, phonograph, loud speaker, sound amplifier, cassette or compact disc player, or other sound system or device for producing or reproducing sound in such a manner as to be plainly audible outdoors, except by voluntary listeners who are present on property where the owner has given written permission. This section shall not apply to any person who is participating in a parade or public assembly for which a proper permit has been obtained from the City of St. Louis, so long as the person is not exceeding the authority set forth in the permit

SECTION THREE: Any person who violates Section One of this ordinance or any person who shall permit any such prohibited conduct set forth in Section One of this ordinance in any motor vehicle owned or possessed by him, or under his management or control, shall be punished as follows:

A. Upon a plea of guilty, failure to appear, or a conviction for a first offense, by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

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1           B. Upon a plea of guilty, failure to appear, or a conviction for a second or any  
2           subsequent offense occurring within one year of the first offense, by a fine of not  
3           less than five hundred dollars (\$500.00).

4           C. The Court may, in lieu of a fine, impose not less than twenty (20) hours of  
5           community service for the first offense, and not less than sixty (60) hours of  
6           community service for the second or any subsequent offense.

7   When a person is charged with a violation of Section One, any motor vehicle that is used in the violation of Section  
8   One of this ordinance shall be subject to seizure and impoundment as evidence in any proceeding hereunder. Any  
9   person charged with a violation whereby a motor vehicle is being held for evidence pursuant to this ordinance shall  
10   have a court date within four (4) work days of the violation date.

11   SECTION FOUR: Any person who violates Section Two of this ordinance or any person who shall permit any such  
12   prohibited conduct set forth in Section Two of this ordinance in or upon any house or premises owned or possessed  
13   by him, or under his management or control, shall be punished as follows:

14       A. Upon a plea of guilty, failure to appear, or a conviction for a first offense, by a fine of not  
15       less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

16       B. Upon a plea of guilty, failure to appear, or a conviction for a second offense occurring  
17       within one year of the first offense, by a fine of not less than two hundred fifty dollars  
18       (\$250.00) nor more than five hundred dollars (\$500.00).

19       C. Upon a plea of guilty, failure to appear, or a conviction for a third or any subsequent  
20       offense occurring within one year of the first offense, by a fine of not less than five  
21       hundred dollars (\$500.00).

22   The Court may, in lieu of a fine, impose not less than twenty (20) hours of community service for the first offense;  
23   not less than thirty (30) hours of community service for the second offense; and not less than (60) hours of

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1 community service for the third or any subsequent offense.

2 SECTION FIVE: Any motor vehicle being held pursuant to this ordinance shall only be released upon notification  
3 by the warrant officer for municipal violations that the motor vehicle or device is no longer necessary for  
4 prosecution and upon payment of towing and storage charges in the case of impounded motor vehicles. If any motor  
5 vehicle is not redeemed in the manner and within the time as prescribed by ordinance, it can be disposed of in the  
6 same manner as an abandoned vehicle.

7 SECTION SIX: The sections of this ordinance shall be severable. In the event that any section of this ordinance is  
8 found by a court of competent jurisdiction to be invalid, the remaining sections of this ordinance are valid, unless the  
9 court finds the valid sections of the ordinance are so essential and inseparably connected with and dependent upon  
10 the void section that it cannot be presumed that this Board of Aldermen would have enacted the valid sections  
11 without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are  
12 incapable of being executed in accordance with the legislative intent.

13 SECTION SEVEN: This being an ordinance for the preservation of public peace, health, and safety, it is hereby  
14 declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the  
15 City of St. Louis and therefore shall become effective immediately upon its passage and approval by the Mayor.